

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
UNITED STATES OF AMERICA

: 06 Cr. 266 (LMM)

- v -

: MEMORANDUM AND ORDER

WILLIAM CAPERS,

Defendant.

: USDC SDNY

: DOCUMENT

: ELECTRONICALLY FILED

: DATE:


: FILED: 6/20/06

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McKENNA, D.J.

Upon consideration of the parties' submissions, the Court has determined that an evidentiary hearing will be held on the issues (i) whether, on the facts of this case, Missouri v. Seibert, 124 S. Ct. 2601 (2004), requires that all of defendant's statements must be suppressed, (ii) whether, absent any such statements, the Postal Inspection Service agents had probable cause to arrest defendant and were free to obtain incriminating physical evidence from his person, and (iii) whether defendant's post-Miranda waiver of his right to remain silent was voluntary.

SO ORDERED.

Dated: June 20, 2006


Lawrence M. McKenna
U.S.D.J.

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